

Further Actions to Strengthen the Safety Net for Homeless Families

Massachusetts Department of Housing and Community Development November 21, 2012

Since the release of new regulations governing the Emergency Assistance (EA) Program on September 17, 2012, the Department of Housing and Community Development has held two public hearings in Springfield and Boston and has continued to meet with legislators, stakeholder groups, and advocacy organizations. Prior to this, extensive outreach was conducted with a broad array of individuals and organizations involved in housing and homelessness issues.

These regulations are part of a comprehensive set of reforms enacted by the legislature to reinvest significant resources in homeless prevention and permanent housing while maintaining a strong emergency shelter system. Based on the feedback we have received, we will be filing the following changes to the EA Program with the Secretary of State's Office on November 23, 2012. These changes will take effect on December 7, 2012. All of the changes are to the benefit of EA applicants.

Attached to this document is a list of previous changes DHCD has already made to the first draft of regulations released in July and an update on implementation of new resources and initiatives to address family homelessness.

Regulatory/Guidance Changes

- Include "unfit for human habitation" as defined by the state sanitary code and regulations. This will require an inspection and written determination by the appropriate local official (health or building inspector). This change responds to the request to link the "unfit for human habitation" phrase to the State Sanitary Code. In keeping with the line item language that identifies DCF as the agency that makes such determinations, the process will be for DCF to make a referral to the appropriate local inspector and receive the report from the inspector.
- Expand the "no-fault" eligibility category to include tenants being evicted for no stated reason, subject to verification that there is not an underlying "cause" reason for the eviction. This change will capture tenants for whom a tenancy is not renewed or who are evicted for reasons such as: when the owner is selling the building; the owner wants to move a family member into the apartment; or the owner wants to undertake significant renovations. The tenant must still be income-eligible for EA and documentation must be provided by the owner.
- Change current guidance to allow homeowners who have been foreclosed on to be eligible for EA under the same "no-fault" eviction standards as tenants with respect to the loss of income. This would encompass homeowners that suffered a loss of income that caused their housing expense to increase to more than 50% of annual income.

- With respect to households at “imminent risk” of homelessness because the child(ren) have been staying with a primary tenant who will not allow the children to stay any longer, provide for a “health and safety” referral to DCF provided that there is written documentation that the primary tenant will not allow the child(ren) to stay with them and that the landlord will take action to terminate the primary tenant’s tenancy due to the applicant’s stay with the primary tenant. Additional referrals shall also be made to DCF in cases in which there is a child less than 6 months of age or a member of the household has a documented medical condition or diagnosed disability. If DCF confirms a health and safety risk as used in all other EA cases, the household will be determined to be eligible for EA.
- Provide additional instruction on identifying an “irregular housing situation” by including four factors to be considered in determining eligibility under this category: the length of stay at a particular location; the total number of moves; the number of different locations; and the total amount of time that the family has been moving from place to place.
- For health and safety conditions, instead of “cannot be corrected by the property owner’s remediation of the conditions before such conditions are likely to cause significant direct physical, psychological, mental, or emotional harm to the members of the applicant household” add “cannot or will not be corrected...” This makes it clear that the regulation covers the case of an uncooperative owner.
- For domestic violence guidance, permit documentation for a DV incident that is older than 60 days to be contemporaneous with the EA application that pertains to the past DV incident. The current regulation requires documentation that is contemporaneous *with the incident* if the alleged DV occurred more than 60 days prior to the EA application. The intent was to document that the applicant is fleeing from a prior incident. However, the requirement creates an obstacle to DV victims who did not file a report/see a counselor, at or near the date(s) of the DV incident(s).

Administrative Changes

- Co-locate Regional Administering Agencies (RAAs) and Department of Children and Families (DCF) staff in key local DTA offices to strengthen the referral process to health and safety assessments, to RAFT, and to other community resources for those who are not EA eligible, subject to available resources. DHCD will begin this effort now and will work to fully implement this over the next several months.
- Work with private entities to add short-term, temporary beds (up to 4 nights). This is an eligible use of funds of the federal Emergency Solutions Grant, which DHCD administers.
- Establish a Client Services Unit in DHCD’s central office to handle client issues, emergency cases referred by service providers, legal services, legislative offices, and others, subject to available resources. The Unit will coordinate efforts with DHCD’s legal team and homeless coordinators in local offices.

- Hire seven additional Benefits Eligibility and Referral Social Workers (BERS), subject to available resources, to cut down on wait times in local offices.
- Assign client service representatives to higher volume Department of Transitional Assistance (DTA) offices, subject to available resources, to ensure EA applicants are taken care of while waiting for their application to be taken and to work with families at the office who are ineligible for EA.
- Issue guidance to local housing authorities and other housing providers to make it clear that safe, temporary, doubled-up living situations will be allowed.
- Improve the referral process for families currently in the Domestic Violence shelter system to lessen length of stays and to help families get re-housed.
- Establish an ongoing working group with health centers and hospitals to improve the referral process to emergency shelter.

Attachment 1:
List of Previous Changes Made to Draft Emergency Assistance Regulations
Prior to September 17, 2012

1. That the behavior of a primary tenant's guest can give rise to a health and safety risk.
2. That situations, such as bus stations, cars, emergency rooms, etc., are not considered "safe for human habitation."
3. That a child experiencing a situation of moving frequently from one apartment to another is not considered to be living in a situation "fit for human habitation."
4. That the determination of whether a risk can "be addressed by" police intervention or other interventions means "timely" intervention and that the verification is made by DCF.
5. That violent "conduct" gives rise to a health and safety risk.
6. That when child and applicant parent(s) are in the same housing situation, the determination of a health and safety risk relates to the situation of the family, not just the child.
7. Correct a drafting error regarding evictions due the loss of income of those with a documented medical condition.
8. That a tenant at will is the "primary lease holder" in order to distinguish a household that is not the primary tenant in situations of health and safety risk.
9. That unsanitary conditions in the building that affect the unit in question are covered under the health and safety category.
10. Delete the word "direct" from the description of "harm" in the health and safety definitions and delete the definition of "direct harm" from "Guidance on the meaning of a 'direct threat to the household's safety.'"
11. Create a form to assist the applicant in getting necessary medical condition or disability verifications from a medical professional.
12. That in the situation with more than one "primary leaseholder", for the purposes of a situation in which one leaseholder's conduct is creating a health and safety risk for the other, that the second tenant will not be considered a "primary leaseholder" and may be eligible under the provisions relating to health and safety risk to a household that is not the "primary leaseholder."
13. That at the request of an applicants or recipient, DHCD EA staff will assist in obtaining verification documentation.

14. That, with respect to verifying medical conditions or disabilities in connection with the applicant's prior eviction for nonpayment of rent, it is not the responsibility of a medical professional to make a determination that the sole cause of the nonpayment was the medical condition or disability.
15. That, with respect to domestic violence, the definition will be expanded to include domestic violence situations involving intimate partners to situations involving family members or household members. This definition is in keeping with G.L. c. 209A, § 1, *family or household member* (a)–(d) and is supported by all state agencies serving this population.
16. That, with respect to families exiting a non-EA shelter, such as publicly or privately funded housing that is time-limited and considered feasible alternative housing during the time that the family is allowed to stay there, that it will be considered an irregular housing situation because it is not “continually available” due to the time limitation. These situations will fall within the Health and Safety eligibility category and require DCF verification to support eligibility determination.

Attachment 2:
Update on Implementation of New Resources and Initiatives to Address
Family Homelessness

In partnership with the Legislature, DHCD is now providing several new resources to prevent and reduce homelessness in Massachusetts. Below are some of the new initiatives:

1. The new Residential Assistance for Families in Transition (RAFT) Program started on August 6th. With \$8.76 million in funding from the Legislature this homelessness prevention program provides up to \$4,000 in short-term flexible assistance to families at-risk of homelessness. More than 700 families have already been approved for such assistance.
2. We have issued new housing vouchers under the expanded Massachusetts Rental Voucher Program (MRVP). Approximately 700 vouchers are targeted to families who entered emergency shelter between October 29, 2011 and June 30, 2012. Priority is being given to families who have at least one member of the household who has a disability.
3. We launched a new supportive housing program for low income families using MRVP vouchers. Through a competitive process, we will soon be awarding up to 150 project-based vouchers to non-profit and for-profit sponsors that will provide permanent housing and supportive services for low income families coming out of shelter. This is a down payment on our commitment to create 1,000 units of supportive housing over the next three years.
4. We have increased funding to preserve and create new affordable housing for low income families. This has included a 6.5% increase for local housing authorities to operate state public housing and an additional \$20 million in capital spending since May 2012 for affordable housing preservation and production.
5. The revised HomeBase Program became operational in July, which is providing \$4,000 in financial assistance to EA-eligible families to avoid going into shelter and \$4,000 to help families leave shelter. Approximately 625 families have accessed this new resource, and we expect utilization to increase even more in the coming months. This is in an addition to the 6,500 families that continue to receive HomeBase rental assistance in FY13. We are also providing ongoing stabilization services under to help families work towards self-sufficiency and remain in permanent housing.
6. We recently awarded \$5.3 million to local providers through the Emergency Solutions Grant (ESG) to bolster efforts in the areas of prevention, rapid rehousing, and shelter support.

7. Through our local and regional partners, we have conducted extensive outreach to families staying in hotels or motels and are working with each family on a rehousing plan to find permanent affordable housing.
8. *New Lease for Homeless Families*, set to be launched in January 2013, will greatly improve access to high-quality affordable housing owned by non-profit and for-profit companies. The New Lease Program estimates that at least 200 affordable units will be made available in the first year of the program.